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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1343**

Pondview Townhomes,
Respondent,

vs.

Inez Hunter,
Appellant.

**Filed March 26, 2018
Affirmed
Cleary, Chief Judge**

Washington County District Court
File No. 82-CV-13-647

Christopher T. Kalla, Douglass E. Turner, Hanbery & Turner, P.A., Minneapolis,
Minnesota (for respondent)

Inez Hunter, St. Paul, Minnesota (pro se appellant)

Considered and decided by Bratvold, Presiding Judge; Cleary, Chief Judge; and
Florey, Judge.

UNPUBLISHED OPINION

CLEARY, Chief Judge

Appellant Inez Hunter challenges the district court's denial of her motion to expunge her eviction record. Because the district court did not abuse its discretion, we affirm.

FACTS

In early 2011, Hunter entered into a residential lease with respondent Pondview Townhomes (Pondview) for a townhome unit located in Woodbury. Pondview brought an eviction action against Hunter after determining that her son was living with her as an “unauthorized occupant.” The parties announced at the eviction hearing that they had reached a settlement wherein the lease would terminate on January 31, 2013.¹ After Hunter failed to vacate the unit, Pondview filed a second eviction complaint. At the hearing, the district court ordered Hunter to vacate the unit. Hunter appealed her second eviction. This court dismissed the appeal after Hunter failed to correct filing deficiencies.

On May 25, 2017, Hunter filed a motion with the district court to expunge her eviction record. The district court heard and denied the motion on July 24, 2017. This appeal follows.

DECISION

A district court’s authority to expunge an eviction record is discretionary. *See* Minn. Stat. § 484.014, subd. 2 (2016) (“The court *may* order expungement” (emphasis added)); *see also* Minn. Stat. § 645.44, subd. 15 (2016) (defining a statute containing the word “may” as a permissive statute). Accordingly, this court reviews the

¹ Hunter denies that she agreed to vacate, but per the September 13, 2017 order of this court, the underlying eviction judgment is not within the scope of this appeal.

denial of an expungement motion for an abuse of discretion. *Cf. State v. Whelan*, 291 Minn. 83, 87, 189 N.W.2d 170, 173-74 (1971) (citing Minn. Stat. § 645.44, subd. 15) (holding that the district court did not abuse its discretion in denying a motion grounded in the court’s discretionary authority). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017).

Hunter asserts, without articulating further, that the district court’s ruling is the product of fraud. The district court concluded that Hunter’s interest in expunging her eviction record did not outweigh the public’s interest in knowing about the record. We conclude that the district court did not abuse its discretion.

A district court may expunge an eviction record if it finds that a landlord’s case is “sufficiently without basis in facts or law, which may include lack of jurisdiction over the case, that expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.” Minn. Stat. § 484.014, subd. 2. “An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *Schoepke v. Alexander Smith & Sons Carpet Co.*, 290 Minn. 518, 519, 187 N.W.2d 133, 135 (1971). Hunter does not articulate how she believes the district court made unsupported factual findings or misapplied the law. Because the district court concluded that the public’s

interest outweighs the private interest at stake, it properly applied the law and did not abuse its discretion in denying Hunter's expungement motion.

Affirmed.